

### **REMARKS**

Claims 1-4 were pending in the application. Claims 3 and 4 are cancelled, and claim 1 is amended. Claims 5 and 6 have been added. Claims 1, 2, 5 and 6 therefore are pending and presented for review. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing amendments and the remarks that follow.

1. **Affirmation of Election and Traversal of Restriction Requirement**

The Applicant hereby affirms the election of claims 1 and 2. Non-elected claims 3 and 4 have been canceled without disclaimer or prejudice.

2. **Claim Objections**

Claims 1 and 2 were objected to because the term "linear" had been misspelled. The Applicant has amended claim 1 to correct this error.

3. **Title**

The title has been amended to better correspond to the claim preamble.

4. **Rejection of Claims 1 – 13 (35 U.S.C. § 103(a))**

Claims 1 and 2 stand rejected under 35 USC 103(a) as being obvious over Yamada in view of Watanabe. Applicants respectfully traverse this rejection because, *inter alia*, there is no teaching or suggestion to combine the Yamada patent with the Watanabe patent to produce a spring of the claimed type. Furthermore, even if the references were combined, the invention would not result. Therefore, reconsideration is in order and is respectfully requested.

**a.      Recapitulation of the Invention<sup>1</sup>**

The invention relates to a spring device that includes a coil spring case formed of right, left, back and front side plates, a spring receiving plate, a coil spring having *a linear spring property*, and a spring urging member for urging the coil spring into the coil spring case. Preferably, the distance between the right and left side plates of the spring case are set slightly larger than an outer diameter of the coil spring. The distance between the back and front side plates of the spring case is set larger than the distance between the left and right side plates. The length of the spring case is set smaller than a free length of the coil spring, such that the coil spring is deformed and *a non-linear spring property* is obtained when the coil spring is urged by the spring urging member. Thus, as a result of the unique configuration of the spring case, a non-linear spring property can be obtained from a linear spring.

**b.    Traversal of Rejections Under 35 U.S.C. § 103(a)**

Claim 1 as amended recites a spring device that includes a coil spring case formed of right, left, back and front side plates, a spring receiving plate, a coil spring, and a spring urging member inserted into the coil spring case through an opening of the coil spring case for compressing the coil spring in the coil spring case so that the coil spring is deformed along a curve so as to have a non-linear spring property. Claim 1 further states that the distance between the right and left side plates of the spring case is larger than an outer diameter of the coil spring,

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<sup>1</sup> This Section 4a is intended to provide the Examiner with some background information on the state of the art and applicants' contribution to it. It is *not* intended to distinguish specific claims from the prior art. That task is

and the distance between the back and front side plates of the spring case being set a little larger than the distance between the right and left side plates of the coil spring case.

The Yamada patent does not show the spring device as recited in amended claim 1. The Examiner alleges that the “Yamada shows a device similar to that of the elected embodiment.” Applicant respectfully disagrees. Yamada merely shows a shock absorbing device for an automobile that has a casing. Yamada does not disclose or teach that the spring 11, 35 or 45 is compressed within a spring case having a distance between the right and left side plates being set larger than an outer diameter of the coil spring, and a distance between the back and front side plates of the spring case being set a larger than the distance between the right and left side plates of the coil spring case. Nor does it suggest a coil spring disposed in a case so as to produce a *non-linear* spring property as claimed. Yamada instead merely discloses a linear spring within a casing. There is no disclosure of achieving a non-linear spring property by deforming a coil spring about a curve as claimed.

Watanabe does not remedy Yamada’s failure to disclose a spring device having the claimed casing and a coil spring that exhibits non-linear spring properties. Watanabe merely discloses that non-linear spring properties can be achieved in a coil spring by forming the coil spring to have three unique cross sections. Note in this regard that the embodiment of the coil spring shown in Fig. 4 of Watanabe is merely the prior art coil spring identified in the present application in Fig. 3 and discussed on page 3 of the present application. The disclosure of a

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performed in Section 4b below.

specific type of non-linear spring in no way suggests that that a non-linear coil spring can be formed by placing a coil spring within a case having the claimed proportions. Nor is there any suggestion to place Watanabe's spring in Yamada's housing. Watanabe's spring is designed for use as suspension spring, which mounts between the automobile's suspension and frame as generally seen in Figure 8 of Watanabe. A shock absorber is used *in addition to* a suspension spring to form a classic mass-spring-damper system. Hence, at most, Watanabe would have suggested using its suspension spring in combination with Yamada's spring-biased shock absorber on the same vehicle.

In addition, even if one were to replace Yamada's coil spring with Watanabe's non-linear spring, there is no suggestion of setting the claimed proportional relationships between the spring and the case. Moreover, since Watanabe's spring is *already* non-linear, one of ordinary skill in the art would not have been motivated to take measures with respect to that spring that would render another, linear, spring non-linear. To conclude otherwise would be to pick and choose amongst the teachings of the prior art, using applicant's own disclosure as a template or mosaic to latch on to those teachings that support the Examiner's position while ignoring those that do not. The Federal Circuit has held that a rejection based on obviousness cannot be predicated upon such an approach:

It is impossible with the framework of Section 103 to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of the other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

*In re Hedges*, 228 USPQ 685, 687 (Fed. Cir. 1986), citing *In re Wesslau*, 3147 USPQ 391, 393 (CCPA) 1965; *see also* MPEP § 2143.

For at least these reasons, the references alone or in combination fail to teach or suggest the spring device of claim 1.

Dependent claim 2 is believed to be in condition for allowance for incorporating by reference the limitations of claim 1 and for defining additional features of the invention, which, when considered in combination with those of claim 1 are neither disclosed nor suggested by the prior art relied upon in the rejection.

**5. New Claims and Conclusions**


Newly presented dependent claims 5 and 6 are believed to be in condition for allowance for incorporating by reference the limitations of claims 1 and 2 and for defining additional features of the invention, which, when considered in combination with those of claims 1 and 2, are not anticipated by the prior art relied upon in the rejection. These claims are believed to be allowable for at least the same reasons that claims 1 and 2 are allowable.

For the forgoing reasons, claims 1, 2, 5, and 6 are believed to be in *prima facie* condition for allowance. Should the Examiner have any remaining questions that the attending to of which would expedite such action, he is invited to contact the undersigned at the telephone number appearing below.

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No fee is believed to be payable with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



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